

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TROY B. MANNERY,)	
)	Civil Action No. 07 - 315
Plaintiff,)	
)	Chief Judge Donetta W. Ambrose
v.)	
)	
OFFICER SCOTT MILLER; CHIEF)	
RICHARD A. BARRON; JUDGE JOHN F.)	
WAGNER, JR.; PROSECUTOR NANCY)	
VERNON;)	
Defendants.)	
)	

MEMORANDUM ORDER

The above captioned case was initiated on March 13, 2007 by the filing of a Motion to Proceed In Forma Pauperis (doc. no. 1) accompanied by a Complaint. It was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 9), filed on April 4, 2007, recommended that Plaintiff's Complaint be dismissed for failure to state a claim upon which relief can be granted. Plaintiff was served at SCI-Rockview and was advised he was allowed ten (10) days from the date of service to file written objections to the Report and Recommendation. On April 10, 2007, Plaintiff filed a Motion to file an Amended Complaint (doc. no. 11), which was granted on April 11, 2007 allowing Plaintiff until April 30, 2007 to file his amended complaint (doc. no. 12). No amended pleadings have been filed.


After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 8th day of May, 2007;

IT IS HEREBY ORDERED that Plaintiff's Complaint is **DISMISSED** in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(ii) and/or 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted under 42 U.S.C. §§ 1981, 1983, 1985 or 1986.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 9) of Magistrate Judge Lenihan dated April 4, 2007, is adopted as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.


The Honorable Donetta W. Ambrose
United States District Judge, Chief

cc: The Honorable Lisa Pupo Lenihan
United States Magistrate Judge

Troy B. Mannery
GU - 3777
S.C.I. at Rockview
Box A
Bellefonte, PA 16823-0820